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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,170	09/19/2003	Claude D. Gourand	7171.3001.003	7111

27256 7590 12/16/2005

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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,170	<b>Applicant(s)</b> GOURAND ET AL.	
	<b>Examiner</b> Brian K. Green	<b>Art Unit</b> 3611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6,8,9,11 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) 24-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6,8,9,11 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I. in the reply filed on Sept. 30, 2005 is acknowledged.

Claims 24-30 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Sept. 30, 2005.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15,16,18-23,6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Polzin (U.S. Patent No. 5,025,581).

Polzin shows in figures 1-7 a picture display device comprising a generally flat wallpaper substrate (3, Polzin discloses that the substrate can be attached to a wall in column 1, lines 24-27 and column 5, lines 49-62, and discloses that the substrate is made from paper in column 7, lines 20-24), a generally flat picture pocket (1,2) having a transparent front layer (2), a first adhesive layer (36) is in contact with the substrate rear surface, and a second adhesive layer (40) in contact with both the substrate (3) front surface and the picture pocket. In regard to claims 16 and 21, the picture pocket is open at the top edge such that when the display device is attached to the wall, the display object may be inserted and removed from the picture pocket without detaching

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the display device from the wall, see column 3, lines 45-48. In regard to claim 18, Polzin discloses in column 6, lines 18-30, the idea of making the layers 1 and 2 from a single sheet of material and adhering the single sheet of material to the flat substrate (3) with adhesive. In regard to claim 19, the adhesive (40) is considered to be a permanent adhesive. In regard to claim 20, as broadly defined, the at least one pocket is considered to be “integrally” formed as part of the wallpaper substrate. In regard to claim 22, Polzin teaches the use of a second non-permanent adhesive (36) on the rear surface, see column 5, lines 40-60. In regard to claim 6, the applicant defines in claim 1 a picture display device that includes a flat substrate. How the flat substrate is provided, i.e. in the form of a roll, is immaterial. What matters is the final product, i.e. a display device that includes a flat substrate. Further, the substrate of Polzin is capable of being provided in the form of a roll. In regard to claims 9 and 23, Polzin discloses in column 8, lines 7-10 the idea of placing pictorial designs on the substrate (3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15,16,17,19-21,23,6,8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polzin (U.S. Patent No. 5,025,581) in view of Martinez et al. (U.S. Patent No. 4,900,604).

Polzin shows in figures 1-7 a picture display device comprising a picture pocket including a generally flat rear layer (3) and a transparent front layer (1,2). Polzin discloses in column 6, lines 18-30, the idea of making the layers 1 and 2 from a single sheet of material and adhering the single sheet of material to the rear layer (3) with adhesive. Polzin discloses the use of a second adhesive (36) for securing the pocket to a substrate. Polzin does not disclose whether the substrate (column 5, lines 49-60) in which the pocket is removably attached is in the form of a wallpaper substrate. Martinez et al. shows in figures 2 and 6 the idea of attaching a picture display device (the picture frame located just above the crib in figure 1) to a substrate (wallpaper (36) which inherently includes an adhesive on the rear surface). In view of the teachings of Martinez et al. it would have been obvious to one in the art to modify Polzin by attaching the pocket to a wallpaper substrate since this would allow the pocket to be used on a wider range of surfaces to create a more amusing and aesthetically pleasing display. The picture pocket is open at the top edge such that when the display device is attached to the wall, the display object may be inserted and removed from the picture pocket without detaching the display device from the wall, see column 3, lines 45-48. In regard to claims 16 and 21, the picture pocket is open at the top edge such that when the display device is attached to the wall, the display object may be inserted and removed from the picture pocket without detaching the display device from the wall, see column 3, lines 45-48. In regard to claim 19, the adhesive (40) is considered to be a permanent adhesive. In regard to claim 20, as broadly defined, the at least one pocket is considered to be "integrally" formed as part of the wallpaper substrate. In regard to claim 6, the applicant defines in claim 1 a picture display device that includes a flat substrate. How the flat substrate is provided, i.e. in the form of a roll, is immaterial. What matters is the final product,

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i.e. a display device that includes a flat substrate. Further, the substrate of Martinez et al. is capable of being provided in the form of a roll. In regard to claim 8, Polzin discloses in column 5, lines 40-60, the idea of making the second adhesive (36) non-permanent. In regard to claims 9 and 23, Martinez et al. shows in figure 2 a picture design (10,12) on the substrate. In regard to claim 10, the picture pocket rear surface (3) can be opaque, see column 7, lines 24-30.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polzin (U.S. Patent No. 5,025,581) in view of Martinez et al. (U.S. Patent No. 4,900,604) as applied to claim 15 above and further in view of Lytle (U.S. Patent No. 6,052,933) or Bell et al. (U.S. Patent No. 3,673,724)

In regard to claim 11, the examiner took official notice in the last office action that it is known to place a plurality of picture frames onto a wall. The applicant has challenged this assertion so the examiner is merely adding the additional references to support the official notice taken in the last office action. Polzin in view of Martinez et al. does not disclose placing a plurality of picture holders onto the substrate. Martinez et al. shows in figure 1 the idea of placing a picture frame on the wall. Lytle discloses the idea of attaching a plurality of picture frames onto a wall, see column 1, lines 9-13. Bell et al. shows in figures 1-17 the idea of attaching a plurality of picture frames to a wall. In view of the teachings of Lytle or Bell et al. it would have been obvious to one in the art to modify Polzin in view of Martinez et al. by attaching a plurality of pockets to the substrate since this would allow more pictures to be displayed onto the walls of a room.

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Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polzin (U.S. Patent No. 5,025,581) in view of Martinez et al. (U.S. Patent No. 4,900,604) as applied to claim 15 above and further in view of DeProspero et al. (U.S. Patent No. 5,639,539).

Polzin in view of Martinez et al. disclose the applicant's basic inventive concept except for whether the second adhesive on the rear surface of the substrate is non-permanent. DeProspero et al. shows in figures 1-3 a wallpaper that includes non-permanent adhesive (40) on a rear surface thereof. In view of the teachings of DeProspero et al. it would have been obvious to one in the art to modify Polzin in view of Martinez et al. by making the second adhesive non-permanent since this would allow the substrate to be attached to a wall in an easier manner and would allow the substrate to be removed from the wall in an easier manner, as taught to be desirable by DeProspero et al. column 1, lines 39-53 and column 5, lines 38-46.

Claims 15,16,17,19-23,6,9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. Patent No. 6,694,650) in view of Shapery et al. (U.S. Patent No. 2,942,723).

Brown shows in figures 1-6 and 8 a picture display device comprising a generally flat substrate (3), a generally flat picture pocket (2) having a transparent front layer (22), a first adhesive layer (42) is in contact with the substrate rear surface, a second adhesive layer (41) in contact with both the substrate (3) front surface and the picture pocket. The picture pocket is open at the top edge such that when the display device is attached to the wall, the display object may be inserted and removed from the picture pocket without detaching the display device from the wall. Brown discloses that the substrate (3) can be made of any flexible or rigid material but

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does not specifically state that the substrate is made from paper. Shapery et al. shows in figure 1 a substrate (10,12) that is a backing for pockets that is formed from paper, see column 2, lines 1-5. In view of the teachings of Shapery et al. it would have been obvious to one in the art to modify Brown by making the substrate out of paper since this would allow the substrate to be made in an easier and less expensive manner and would allow the substrate to be written/printed on in an easier manner. In regard to claim 17, the pocket (2) includes a rear layer (21) and a front layer (22). In regard to claim 19, the pocket is considered to be permanently attached to the substrate. . In regard to claim 20, as broadly defined, the at least one pocket is considered to be “integrally” formed as part of the wallpaper substrate. In regard to claim 21, the object is removable from the pocket. In regard to claim 22, the hook and loop fasteners are considered to be removable adhesive fasteners, see column 3, lines 25-30. In regard to claim 6, the applicant defines in claim 1 a picture display device that includes a flat substrate. How the flat substrate is provided, i.e. in the form of a roll, is immaterial. What matters is the final product, i.e. a display device that includes a flat substrate. Further, the substrate of Brown is capable of being provided in the form of a roll. In regard to claims 9 and 23, Brown shows in figure 1 the idea of placing a pictorial designs (33) on the substrate (3). In regard to claim 11, Brown shows in figures 1 and 8 the idea of attaching a plurality of pockets to the substrate.

### ***Response to Arguments***

Applicant's arguments filed June 22, 2005 have been fully considered but they are not persuasive.

The applicant argues that Polzin fails to teach or suggest a wallpaper substrate. The examiner disagrees since Polzin discloses that the substrate is made from paper and discloses the idea of attaching the substrate to a wall. As broadly defined, the substrate of Polzin is considered to be a wallpaper substrate.

The applicant argues that Brown fails to teach or suggest a wallpaper substrate. The examiner disagrees since Brown in view of Shapery et al. disclose that the substrate is made from paper and Brown discloses the idea of attaching the substrate to a wall, see column 2, line 1. As broadly defined, the substrate of Brown in view of Shapery et al. is considered to be a wallpaper substrate.

The applicant argues that a picture frame that is hung on a wall over wallpaper is different than a wallpaper substrate that has one or more pockets. The examiner disagrees since when the pocketed frame of Polzin is attached to a wallpapered wall as taught by Martinez et al., the combination of references show all of the structure claimed by the applicant in claim 15.

The applicant argues that the Official Notice taken by the examiner is improper. The examiner has added the references in the office action to show that the idea of placing multiple frames onto a wall are conventional in the art. Although, it is noted that it appears from the applicant's remarks on page 10 that the applicant agrees that it is known to place multiple picture frames onto a wall

The applicant argues that it is not known to place multiple pockets onto a wallpaper substrate. Polzin discloses the idea of placing a pocket onto a wall. Lytle and Bell et al. are being used to show that it is known to place multiple picture frames onto a wall. Further, it is noted that it appears from the applicant's remarks on page 10 that the applicant agrees that it is

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known to place multiple picture frames onto a wall. Placing multiple pockets of Polzin onto a wallpapered wall, as taught by Martinez et al., meets the limitations defined by the applicant in claim 15.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg  
12/12/2005

  
BRIAN K. GREEN  
PRIMARY EXAMINER